

Senate File 129 - Enrolled

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SENATE FILE 129

AN ACT

RELATING TO THE RACING AND GAMING COMMISSION BY MODIFYING
PROVISIONS REGULATING HORSES INVOLVED IN HORSE RACING AND
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 99D.25, subsections 5 and 9, Code 2007,
are amended to read as follows:

5. Every horse which suffers a breakdown on the racetrack,
in training, or in competition, and is destroyed, and every
other horse which expires while stabled on the racetrack under
the jurisdiction of the commission, shall undergo a postmortem
examination by a veterinarian or a veterinary pathologist at a
time and place acceptable to the commission veterinarian to
determine the injury or sickness which resulted in euthanasia
or natural death. Test samples ~~shall~~ may be obtained from the
carcass upon which the postmortem examination is conducted and
shall be sent to a laboratory approved by the commission for
testing for foreign substances and natural substances at
abnormal levels. When practical, blood and urine test samples
should be procured prior to euthanasia. The owner of the
deceased horse is responsible for payment of any charges due
to conduct the postmortem examination. A record of every
postmortem shall be filed with the commission by the
veterinarian or veterinary pathologist who performed the
postmortem within seventy-two hours of the death. Each owner
and trainer accepts the responsibility for the postmortem
examination provided herein as a requisite for maintaining the
occupational license issued by the commission.

9. The commission shall conduct random tests of bodily
substances of horses entered to race each day of a race
meeting to aid in the detection of any unlawful drugging. The
tests may be conducted both prior to and after a race. The
commission ~~shall~~ may also test any horse that breaks down
during a race and shall perform an autopsy on any horse that
is killed or subsequently destroyed as a result of an accident
during a race. When practical, blood and urine test samples
should be procured prior to euthanasia.

Sec. 2. Section 99D.25A, subsection 1, paragraph a, Code
2007, is amended to read as follows:

a. "Bleeder" means, according to its context, ~~either any~~
of the following:

(1) A horse which, during a race or exercise, is observed
by the commission veterinarian or ~~designee~~ a licensed
practicing veterinarian to be shedding blood from one or both
nostrils and in which no upper airway injury is noted during
an examination by the commission veterinarian or a licensed
practicing veterinarian immediately following such a race or
exercise.

(2) A horse which, within one and one-half hours of such a
race or exercise, is observed by the commission veterinarian
or a licensed practicing veterinarian, through visual or
endoscopic examination, to be shedding blood from the lower
airway ~~or~~.

(3) A horse which has been certified as a bleeder in
another state.

(4) A horse which has furosemide listed on its most recent
past performance.

(5) A horse which, by recommendation of a licensed
practicing veterinarian, is prescribed furosemide to control
or prevent bleeding from the lungs.

Sec. 3. Section 99D.25A, subsection 2, Code 2007, is
amended to read as follows:

2. Phenylbutazone shall not be administered to a horse in
dosages which would result in concentrations of more than ~~two~~
point two five micrograms of the substance or its metabolites
per milliliter of blood.

Sec. 4. Section 99D.25A, subsection 4, Code 2007, is
amended to read as follows:

4. If a test detects concentrations of phenylbutazone in

3 4 the system of a horse in excess of the level permitted in this
3 5 section, the commission shall assess a civil penalty against
3 6 the trainer of at least two hundred dollars for the first
3 7 offense and at least five hundred dollars for a second
3 8 offense. The penalty for a third or subsequent offense shall
3 9 be in the discretion of the commission. ~~A penalty assessed~~
~~3 10 under this subsection shall not affect the placing of the~~
~~3 11 horse in the race.~~

3 12 Sec. 5. Section 99D.25A, subsection 7, Code 2007, is
3 13 amended to read as follows:

3 14 7. A horse entered to race with furosemide must be treated
3 15 at least four hours prior to post time. The furosemide shall
3 16 be administered intravenously by a veterinarian employed by
3 17 the owner or trainer of the horse. The commission shall adopt
3 18 rules to ensure that furosemide is administered as provided in
3 19 this section. The commission shall require that the
3 20 practicing veterinarian deliver an affidavit signed by the
3 21 veterinarian which certifies information regarding the
3 22 treatment of the horse. The affidavit must be delivered to a
3 23 commission veterinarian within twenty minutes following the
3 24 treatment. The statement must at least include the name of
3 25 the practicing veterinarian, the tattoo number of the horse,
3 26 the location of the barn and stall where the treatment
3 27 occurred, the race number of the horse, the name of the
3 28 trainer, and the time that the furosemide was administered.
3 29 Furosemide shall only be administered in a dose level of ~~two~~
3 30 no less than one hundred fifty milligrams and no more than
3 31 five hundred milligrams.

3 32 Sec. 6. Section 99F.6, subsection 8, paragraph a, Code
3 33 2007, is amended to read as follows:

3 34 a. The licensee or a holder of an occupational license
3 35 shall consent to the search, without a warrant, by agents of
4 1 the division of criminal investigation of the department of
4 2 public safety or commission employees designated by the
4 3 ~~secretary administrator~~ of the commission, of the licensee's
4 4 or holder's person, personal property, and effects, and
4 5 premises which are located on the excursion gambling boat or
4 6 adjacent facilities under control of the licensee, in order to
4 7 inspect or investigate for violations of this chapter or rules
4 8 adopted by the commission pursuant to this chapter. The
4 9 department or commission may also obtain administrative search
4 10 warrants under section 808.14.

4 11 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
4 12 immediate importance, takes effect upon enactment.

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4 16 _____
4 17 JOHN P. KIBBIE
4 18 President of the Senate

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4 21 PATRICK J. MURPHY
4 22 Speaker of the House
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4 24 I hereby certify that this bill originated in the Senate and
4 25 is known as Senate File 129, Eighty-second General Assembly.
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4 30 MICHAEL E. MARSHALL
4 31 Secretary of the Senate

4 32 Approved _____, 2007

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4 36 CHESTER J. CULVER
5 1 Governor